

Pro Se 3 (Rev. 12/16) The Defendant's Answer to the Complaint

UNITED STATES DISTRICT COURT

for the

1st District of New Hampshire

Division

Rochelle Pouget

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

John Coughlin, Kysa Crusco, Salem 5 Bank, Derek
Coburn, Phil Cross

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 22-CV-00382-SE

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☐ No

THE DEFENDANT'S ANSWER TO THE COMPLAINT

I. The Parties Filing This Answer to the Complaint

Provide the information below for each defendant filing this answer or other response to the allegations in the plaintiff's complaint. Attach additional pages if needed.

Name	Kysa Crusco
Street Address	24 Eastman Ave, Ste C4
City and County	Bedford, NH 03110
State and Zip Code	03110
Telephone Number	603-627-3668
E-mail Address	kysa@cruscolaw.com

II. The Answer and Defenses to the Complaint

A. Answering the Claims for Relief

Attorney Kysa Crusco was appointed as Guardian ad litem for Danielle Coburn on July 26, 2013 in the Matter of Rochelle Coburn and James Coburn, 9th Circuit Family Division – Goffstown, Case No. 638-2012-DM-00098. Attorney Crusco served as GAL until November 6, 2014 when the Court issued a final decree of divorce. Attorney Crusco has had no involvement with the Coburn divorce case since November 2014 other than the numerous professional and criminal complaints filed by Rochelle Coburn, now Rochelle Pouget. Ms. Pouget filed 3 complaints between 2014 and 2017 with the Guardian ad Litem Board, all of which were dismissed. Ms. Coburn filed a grievance on March 2, 2022 with the Attorney Discipline Office. On March 9, 2022 the ADO issued a letter declining to docket the grievance. Ms. Pouget has also filed various criminal complaints with the Goffstown Police Department, the New Hampshire Attorney General's Office and the Hillsborough County Attorney's Office, none of which law enforcement declined to prosecute. On July 22, 2022, Ms. Pouget filed a Civil Complaint in the Hillsborough Superior Court Northern District, Rochelle Pouget v. Derek Austin Coburn, et al. Docket No. 216-2022-CV-00427. On October 17, 2022, the Court dismissed Ms. Pouget's complaint. Ms. Pouget filed a subsequent Civil Complaint in the same court, Rochelle Pouget v. James Beard, et al., 216-2023-CV-00218, where motions to dismiss are pending. Defendant denies the claims brought by the Plaintiff.

7. Another party (name) needs to be joined (added)
in the case. The reason is (briefly explain why joining another party is required)

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- a. If the basis for subject-matter jurisdiction is diversity of citizenship, state the effect of adding the other party:
The other party is a citizen of the State of *(name)* .
Or is a citizen of *(foreign nation)* . The amount of
damages sought from this other party is *(specify the amount)* .
- b. If the claim by this other party is based on an alleged violation of a federal constitutional or statutory right, state the basis:

C. Asserting Affirmative Defenses to the Claims for Relief

Identify an affirmative defense or avoidance that provides a basis for the defendant to avoid liability for one or more of the plaintiff's claims even if the basis for the claim is met. Any affirmative defense or avoidance must be identified in the answer. Include any of the following that apply, as well as any others that may apply.

The plaintiff's claim for *(specify the claim)*

is barred by *(identify one or more of the following that apply)*:

1. Accord and satisfaction *(briefly explain)*
2. Arbitration and award *(briefly explain)*
3. Assumption of risk *(briefly explain)*
4. Contributory or comparative negligence of the plaintiff *(briefly explain)*
5. Duress *(briefly explain)*

6. Estoppel *(briefly explain)*

The Plaintiff has previously filed two separate actions based on the same claims in the Hillsborough County Superior Court. The first, Rochelle Pouget v. Derek Austin Coburn, et. al, 2022-CV-00427 was dismissed with prejudice. The second, Rochelle Pouget v. James Beard, Jr. et al, Docket No 2023-CV-00218, is pending dismissal. The Plaintiff is estopped from bringing further action based on the same and similar claims.

7. Failure of consideration *(briefly explain)*

8. Fraud *(briefly explain)*

9. Illegality *(briefly explain)*

10. Injury by fellow employee *(briefly explain)*

11. Laches (Delay) *(briefly explain)*

12. License *(briefly explain)*

13. Payment *(briefly explain)*

14. Release *(briefly explain)*

15. Res judicata *(briefly explain)*

The Plaintiff has previously filed two separate actions based on the same claims in the Hillsborough County Superior Court. The first, Rochelle Pouget v. Derek Austin Coburn, et. al, 2022-CV-00427 was dismissed with prejudice. The second, Rochelle Pouget v. James Beard, Jr. et al, Docket No 2023-CV-00218, is pending dismissal. The Plaintiff is estopped from bringing further action based on the same and similar claims.

16. Statute of frauds *(briefly explain)*

17. Statute of limitations *(briefly explain)*

Attorney Crusco worked as a Guardian ad litem on Plaintiff's divorce case. Attorney Crusco concluded work on the case November 6, 2014. Plaintiff knew, or should have known, of any alleged contact by Attorney Crusco no later than November 6, 2014 as all acts took place prior to that time. Any action should have been commenced no later than November 6, 2017. This matter, filed in 2022 and served in April 2023 is outside of the statute of limitations.

18. Waiver *(briefly explain)*

19. Other *(briefly explain)*

Defendant asserts the affirmative defense of quasi-judicial immunity. All actions by Attorney Crusco were undertaken in her capacity as GAL. GALs enjoy absolute quasi-judicial immunity under New Hampshire law.

D. Asserting Claims Against the Plaintiff (Counterclaim) or Against Another Defendant (Cross-Claim)

For either a counterclaim against the plaintiff or a cross-claim against another defendant, state briefly the facts showing why the defendant asserting the counterclaim or cross-claim is entitled to the damages or other relief sought. Do not make legal arguments. State how each opposing party was involved and what each did that caused the defendant harm or violated the defendant's rights, including the dates and places of that involvement or conduct. If more than one counterclaim or cross-claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1. The defendant has the following claim against the plaintiff *(specify the claim and explain it; include a further statement of jurisdiction, if needed)*:

2. The defendant has the following claim against one or more of the other defendants *(specify the claim and explain it; include a further statement of jurisdiction, if needed)*:

- Page 6 of 7

Pro Se 3 (Rev. 12/16) The Defendant's Answer to the Complaint

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____